

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**DANISHA HENRY,**

*Plaintiff,*

**V.**

**THE PROGRESSIVE  
CORPORATION AKA  
PROGRESSIVE GROUP OF  
INSURANCE COMPANIES AKA  
PROGRESSIVE CASUALTY INS. CO  
AKA PROGRESSIVE CASUALTY  
INS. CO.,**

***Defendant.***

**CIVIL ACTION NO.:**

**Removed from the District  
Court of Harris County, Texas;  
333rd Judicial District, Cause  
No. 2020-75641**

## EXHIBIT A

(All executed process in the state action)

1. Affidavit of Service of Citation;

# **EXHIBIT A-1**



**Service of Process  
Transmittal**

12/09/2020

CT Log Number 538719264

**TO:** James E. Matoh  
Progressive Casualty Insurance Company  
6055 Parkland Blvd  
Mayfield Heights, OH 44124-6105

**RE: Process Served in Ohio**

**FOR:** The Progressive Corporation (Domestic State: OH)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** DANISHA HENRY, Pltf. vs. THE PROGRESSIVE CORPORATION, etc., Dft.

**DOCUMENT(S) SERVED:** Citation, Petition, Attachment

**COURT/AGENCY:** Harris County District Court, TX  
Case # 202075641

**NATURE OF ACTION:** Insurance Litigation

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Columbus, OH

**DATE AND HOUR OF SERVICE:** By Certified Mail on 12/09/2020 postmarked on 12/01/2020

**JURISDICTION SERVED :** Ohio

**APPEARANCE OR ANSWER DUE:** By 10:00 a.m. on the Monday next following the expiration of 20 days

**ATTORNEY(S) / SENDER(S):** Lucy Nkechinyelumka "Kechi" Chukwurah  
NLC LAW GROUP, PLLC  
5151 Katy Freeway, Suite 306  
Houston, TX 77007  
832-917-6008

**ACTION ITEMS:** CT has retained the current log, Retain Date: 12/09/2020, Expected Purge Date: 12/14/2020

Image SOP

Email Notification, Regina Smith Regina\_Smith@Progressive.com

Email Notification, James E. Matoh JMatoh@progressive.com

**REGISTERED AGENT ADDRESS:** C T Corporation System  
4400 Easton Commons Way  
Suite 125  
Columbus, OH 43219  
800-448-5350  
MajorAccountTeam1@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other



**Service of Process  
Transmittal**

12/09/2020

CT Log Number 538719264

**TO:** James E. Matoh  
Progressive Casualty Insurance Company  
6055 Parkland Blvd  
Mayfield Heights, OH 44124-6105

**RE: Process Served in Ohio**

**FOR:** The Progressive Corporation (Domestic State: OH)

advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.



**MARILYN BURGESS**

HARRIS COUNTY DISTRICT CLERK  
P.O. Box 4651  
HOUSTON, TEXAS 77210-4651

**CERTIFIED MAIL®**



7019 0140 0000 5911 6091

neopost<sup>®</sup>  
12/01/2020

FIRST-CLASS MAIL

**US POSTAGE \$007.80<sup>0</sup>**



ZIP 77002  
041M12252396

THE PROGRESSIVE CORPORATION  
c/o TRICIA GRIFFITH, PRESIDENT  
4400 EASTON COMMONS WAY Ste 125  
COLUMBUS, OH 43219

2020 - 75641 CR 333

CAUSE NO. 202075641

RECEIPT NO. 903869

75.00 CTM

\*\*\*\*\*

TR # 73815337

PLAINTIFF: HENRY, DANISHA  
vs.  
DEFENDANT: THE PROGRESSIVE CORPORATION (AKA PROGRESSIVE GROUP  
OF INSURANCE

In The 333rd  
Judicial District Court  
of Harris County, Texas  
333RD DISTRICT COURT  
Houston, TX

CITATION (CERTIFIED)

THE STATE OF TEXAS  
County of Harris

TO: THE PROGRESSIVE CORPORATION (AKA PROGRESSIVE GROUP OF INSURANCE  
COMPANIES AKA PROGRESSIVE CASUALTY INS CO) (A NONRESIDENT CORPORATION)  
MAY BE SERVED BY SERVING THE PRESIDENT OF THE CORPORATION TRICIA GRIFFITH

4400 EASTON COMMONS WAY SUITE 125 COLUMBUS OH 43219

Attached is a copy of PLAINTIFF'S ORIGINAL PETITION

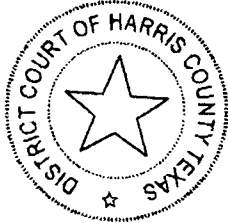
This instrument was filed on the 23rd day of November, 2020, in the above cited cause number  
and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED, You may employ an attorney. If you or your attorney do not file a  
written answer with the District Clerk who issued this citation by 10:00 a.m on the Monday  
next following the expiration of 20 days after you were served this citation and petition,  
a default judgment may be taken against you.

TO OFFICER SERVING:

This citation was issued on 25th day of November, 2020, under my hand and  
seal of said Court.

Issued at request of:  
CHUKWURAH, NKECHINYELUMKA HILDA  
5151 KATY FREEWAY, SUITE 306  
HOUSTON, TX 77007  
Tel: (832) 526-6500  
Bar No.: 24045657



*Marilyn Burgess*

MARILYN BURGESS, District Clerk  
Harris County, Texas  
201 Caroline, Houston, Texas 77002  
(P.O. Box 4651, Houston, Texas 77210)

Generated By: JACKSON, MONICA I8V//11634431

CLERK'S RETURN BY MAILING

Came to hand the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and executed by  
mailing to Defendant certified mail, return receipt requested, restricted delivery, a true  
copy of this citation together with an attached copy of  
PLAINTIFF'S ORIGINAL PETITION  
to the following addressee at address:

\_\_\_\_\_  
\_\_\_\_\_  
(a) ADDRESSEE  
\_\_\_\_\_

ADDRESS

Service was executed in accordance with Rule 106  
(2) TRCP, upon the Defendant as evidenced by the  
return receipt incorporated herein and attached  
hereto at

on \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
by U.S. Postal delivery to \_\_\_\_\_

This citation was not executed for the following  
reason: \_\_\_\_\_

MARILYN BURGESS, District Clerk  
Harris County, TEXAS

By \_\_\_\_\_, Deputy

11/23/2020 11:27 PM  
Marilyn Burgess - District Clerk Harris County  
Envelope No. 48369204  
By: Monica Jackson  
Filed: 11/23/2020 11:27 PM

2020-75641 / Court: 333

NO. \_\_\_\_\_

**DANISHA HENRY**  
**Plaintiff,**

**V.**

**THE PROGRESSIVE CORPORATION**  
**AKA PROGRESSIVE GROUP OF**  
**INSURANCE COMPANIES AKA**  
**PROGRESSIVE CASUALTY INS. CO**  
**AKA PROGRESSIVE CASUALTY INS.**  
**CO.**  
**Defendant.**

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

**IN THE DISTRICT COURT**

\_\_\_\_\_  
**JUDICIAL DISTRICT**

**OF HARRIS COUNTY, TEXAS**

**PLAINTIFF'S ORIGINAL PETITION**

**TO THE HONORABLE JUDGE OF SAID COURT:**

**NOW COMES** Danisha Henry, hereinafter called Plaintiff, complaining of and about  
**THE PROGRESSIVE CORPORATION AKA PROGRESSIVE GROUP OF INSURANCE**  
**COMPANIES AKA PROGRESSIVE CASUALTY INS. CO AKA PROGRESSIVE**  
**CASUALTY INS. CO**, hereinafter called Defendant, and for cause of action shows unto the  
Court the following:

**DISCOVERY CONTROL PLAN LEVEL**

1. Plaintiff intends that discovery be conducted under Discovery Level 2.

**PARTIES AND SERVICE**

2. Plaintiff, Danisha Henry, is an Individual whose address is 23223 First Park Drive, Katy, Texas 77449. The last three numbers of Danisha Henry's driver's license number are 260. The last three numbers of Danisha Henry's social security number are 538.

3. Defendant **THE PROGRESSIVE CORPORATION AKA PROGRESSIVE GROUP OF INSURANCE COMPANIES AKA PROGRESSIVE CASUALTY INS. CO**, a

1 PLAINTIFF'S ORIGINAL PETITION

Nonresident Corporation, may be served pursuant to sections 5.201 and 5.255 of the Texas Business Organizations Code by serving the President of the corporation, TRICIA GRIFFITH, at 4400 EASTON COMMONS WAY, SUITE 125, COLUMBUS OH 43219. Service of said Defendant as described above can be effected by certified mail, return receipt requested.

#### **JURISDICTION AND VENUE**

4. The subject matter in controversy is within the jurisdictional limits of this court.

5. Plaintiff seeks:

a. monetary relief over \$100,000 but not more than \$250,000.

6. This court has jurisdiction over Defendant THE PROGRESSIVE CORPORATION AKA PROGRESSIVE GROUP OF INSURANCE COMPANIES AKA PROGRESSIVE CASUALTY INS. CO, because said Defendant purposefully availed itself of the privilege of conducting activities in the state of Texas and established minimum contacts sufficient to confer jurisdiction over said Defendant, and the assumption of jurisdiction over THE PROGRESSIVE CORPORATION AKA PROGRESSIVE GROUP OF INSURANCE COMPANIES AKA PROGRESSIVE CASUALTY INS. CO will not offend traditional notions of fair play and substantial justice and is consistent with the constitutional requirements of due process.

7. Plaintiff would show that Defendant THE PROGRESSIVE CORPORATION AKA PROGRESSIVE GROUP OF INSURANCE COMPANIES AKA PROGRESSIVE CASUALTY INS. CO had continuous and systematic contacts with the state of Texas sufficient to establish general jurisdiction over said Defendant.

8. Plaintiff would also show that the cause of action arose from or relates to the contacts of Defendant THE PROGRESSIVE CORPORATION AKA PROGRESSIVE GROUP



OF INSURANCE COMPANIES AKA PROGRESSIVE CASUALTY INS. CO to the state of Texas, thereby conferring specific jurisdiction with respect to said Defendant.

9. Furthermore, Plaintiff would show that Defendant THE PROGRESSIVE CORPORATION AKA PROGRESSIVE GROUP OF INSURANCE COMPANIES AKA PROGRESSIVE CASUALTY INS. CO engaged in activities constituting business in the state of Texas as provided by Section 17.042 of the Texas Civil Practice and Remedies Code, in that said Defendant contracted with a Texas resident and performance of the agreement in whole or in part thereof was to occur in Texas, committed a tort in whole or in part in Texas, and recruits or has recruited Texas residents for employment inside or outside this state.

10. In addition, Defendant THE PROGRESSIVE CORPORATION AKA PROGRESSIVE GROUP OF INSURANCE COMPANIES AKA PROGRESSIVE CASUALTY INS. CO employs Texas residents, specifically, Defendant employed Plaintiff, Danisha Henry.

11. Venue in Harris County is proper in this cause.

#### **NATURE OF ACTION**

12. This is an action under Chapter 21 of the Texas Labor Code, Section 21.001 et. seq. Texas Labor Code, as amended, to correct unlawful employment practices on the basis of disability.

#### **CONDITIONS PRECEDENT**

13. All conditions precedent to jurisdiction have occurred or been complied with: a charge of discrimination was filed with the Equal Employment Opportunity Commission within three-hundred days of the acts complained of herein and Plaintiff's Complaint is filed within ninety days of Plaintiff's receipt of the Equal Employment Opportunity Commission's issuance of a right to sue letter.

## **FACTS**

14. Plaintiff is a disabled veteran who served in the United States Air Force from 2005 to 2009 and achieved the rank of Senior Airman E-4 at her honorable discharge. In 2017, Ms. Henry suffered a brain aneurysm as a result of an injury from her days in the military. The aneurysm would leave her with some neurological impairment.

15. Ms. Henry began her employment with Defendant in 2015 as a Claims Generalist. She sought and received an accommodation for her disability in 2016. She excelled in her role. She has no history of discipline.

16. On or about August of 2019, she was wrongfully accused of violating Defendant's corporate card policy. During Defendant's investigation by its human resources personnel, she was denied the use of her already approved disability accommodation, a computer that assisted her with language, receipt of language and her ongoing impairment..

17. In 2020, Ms. Henry was declared 100% impaired by the United States Veterans Administration. She remains unemployed.

## **DISABILITY DISCRIMINATION**

18. Defendant, THE PROGRESSIVE CORPORATION AKA PROGRESSIVE GROUP OF INSURANCE COMPANIES AKA PROGRESSIVE CASUALTY INS. CO, intentionally engaged in unlawful employment practices involving Plaintiff because of her disability.

19. Defendant, THE PROGRESSIVE CORPORATION AKA PROGRESSIVE GROUP OF INSURANCE COMPANIES AKA PROGRESSIVE CASUALTY INS. CO, intentionally discriminated against Plaintiff in connection with the compensation, terms, conditions and privileges of employment or limited, segregated or classified Plaintiff in a manner

that would deprive or tend to deprive her of any employment opportunity or adversely affect her status because of Plaintiff's disability in violation of the Texas Labor Code.

20. Defendant, THE PROGRESSIVE CORPORATION AKA PROGRESSIVE GROUP OF INSURANCE COMPANIES AKA PROGRESSIVE CASUALTY INS. CO, intentionally classified Plaintiff in a manner that deprived her of an equal employment opportunity that was provided to other non-disabled employees similarly situated in violation of the Texas Labor Code.

21. At all times material hereto, Plaintiff was able to perform the essential functions of her position with accommodation. Plaintiff has a disability, has a record of a disability and is regarding as having a disability which substantially limits at least one major life activity. Plaintiff was discriminated against on the basis of her disability, record of a disability and perception of having a disability.

#### **SPECIFIC RELIEF**

21. Plaintiff seeks the following specific relief which arises out of the actions and/or omissions of Defendant described hereinabove:

- a. Promote Plaintiff to the position and pay grade to which Plaintiff should have been promoted but for the unlawful employment actions of Defendant;
- b. Rehire Plaintiff;
- c. Reinstatement Plaintiff to the position and pay grade which Plaintiff held but for the unlawful employment actions of Defendant; and


#### **PRAYER**

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff, Danisha Henry, respectfully prays that the Defendant be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendant for damages in an amount

within the jurisdictional limits of the Court; together with pre-judgment interest at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which the Plaintiff may be entitled at law or in equity.

Respectfully submitted,

**NLC LAW GROUP, PLLC**

By:   
**Lucy Nkechinyelumka "Kechi" Chukwurah**  
Texas Bar No. 24045657  
**Durham Center**  
5151 Katy Freeway, Suite 306  
Houston, Texas 77007  
**Local:** 832.917.6008  
**Facsimile:** 832.917.6010  
[lucy@nlclawgroup.com](mailto:lucy@nlclawgroup.com)  
Attorney for Danisha Henry

**PLAINTIFF HEREBY DEMANDS TRIAL BY JURY**



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office  
this November 25, 2020

Certified Document Number: 93229117

Marilyn Burgess, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

7019 0140 0000 5911 6091

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

2020 - 75641 CR 333 For more information, visit our website at [www.usps.com](http://www.usps.com)®.

**AL USE**

Certified Mail Fee \$ **3.55**

Extra Services & Fees (check box, add fees as appropriate):

<input type="checkbox"/> Return Receipt (hardcopy)	\$ <b>2.65</b>
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage **1.40**

**THE PROGRESSIVE CORPORATION**  
 c/o TRICIA GRIFFITH, PRESIDENT  
 4400 EASTON COMMONS WAY Ste 125  
 COLUMBUS, OH 43219

**RECEIVED**  
 MR  
 District Clerk

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

2020-75641

12.1.2020

**RECORDER'S MEMORANDUM**  
 This instrument is of poor quality  
 at the time of imaging.



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this December 30, 2020

Certified Document Number: 93392963 Total Pages: 1

Marilyn Burgess, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail [support@hcdistrictclerk.com](mailto:support@hcdistrictclerk.com)**

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

THE PROGRESSIVE CORPORATION  
c/o TRICIA GRIFFITH, PRESIDENT  
4400 EASTON COMMONS WAY Ste 125  
COLUMBUS, OH 43219



9590 9402 5223 9122 1180 08

7019 0140 0000 5911 6091

**COMPLETE THIS SECTION ON DELIVERY**

## A. Signature

X

- ☐ Agent  
☐ Addressee

## B. Received by (Printed Name)

Daniel D. Keli.

## C. Date of Delivery

- D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

2020 - 75641

## 3. Service Type

- ☐ Adult Signature  
☐ Adult Signature Restricted Delivery  
☐ Certified Mail®  
☐ Certified Mail Restricted Delivery  
☐ Collect on Delivery  
☐ Collect on Delivery Restricted Delivery  
☐ Mail  
☐ Mail Restricted Delivery
- ☐ Priority Mail Express®  
☐ Registered Mail™  
☐ Registered Mail Restricted Delivery  
☐ Return Receipt for Merchandise  
☐ Signature Confirmation™  
☐ Signature Confirmation Restricted Delivery

(over \$500)

PS Form 3811, July 2015 PSN 7530-02-000-9053

2020 - 75641 CR 333 In Receipt

**USPS TRACKING#**

9590 9402 5223 9122 1180 08

First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

United States  
Postal Service

MARILYN BURGESS  
DISTRICT CLERK  
HARRIS COUNTY, TEXAS

20 DEC 16 AM 8:21

12/16/2020

• Sender: Please print your name, address, and ZIP+4® in this box •

MARILYN BURGESS  
HARRIS COUNTY DISTRICT CLERK  
P.O. BOX 4651  
HOUSTON, TEXAS 77210-4651

BY MAIL PROCESSING ADMIN

**RECORDER'S MEMORANDUM**  
This instrument is of poor quality  
at the time of imaging





I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this December 30, 2020

Certified Document Number: 93564886 Total Pages: 1

Marilyn Burgess, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail [support@hcdistrictclerk.com](mailto:support@hcdistrictclerk.com)**